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An Uneasy Reversal Of Roles for Theater And Its Caretaker

By ROBBIE BROWN

ATLANTA — For the last two weeks, Atlanta residents have been wrestling with the kind of difficult, emotional question normally posed only within families: when is a loved one too old to live alone?

The individual, in this case, is Joe Patten, who is 83. The reason he has become the subject of city-wide debate — on talk radio, in newspaper columns, on Facebook groups, in street protests — is his unusual living arrangement.

Mr. Patten is the only person who lives at the Fox Theater, the city's most famous and revered performing arts venue, where he

atives. Although Joe is not family, he feels like family at times."

The debate has struck a nerve in Atlanta, particularly among people who are involved in the theater and in caring for the elderly.

Mr. Patten, a soft-spoken, diminutive World War II veteran who wears faded jeans and a metallic "Fox" belt buckle and still voluntarily does repairs around the theater, is cherished by the city's arts patrons. He is widely credited with twice saving the Fox: first in 1974 by leading a fund-raising campaign that prevented the building's sale, and again in 1996 by detecting a quick-spreading fire that threatened the site.

Most Atlantans have lined up behind Mr. Patten, with more than 7,000 people joining Facebook groups like Save Joe, the Phantom of the Fox Theater and others calling for boycotts. Mr. Patten, who retired in 2004, is never married and has no relatives in Georgia, has said he is humbled and pleased by the support.

"His whole desire, his whole objective is to die in there," said A. Stephen Cucich, an arts publicist in Atlanta who has presented shows at the Fox. "The Fox miscalculated. They made a ruthless decision. They thought this would be private, but it's gone public."

The Fox was built in 1929 as a Shriners temple. The cavernous building served as a movie theater for decades, and these days is host to entertainment as varied as Broadway musicals, rock concerts and high school proms. It also contains the nation's second-largest theater organ, named Mighty Mo, which Mr. Patten restored to working condition.

For many Atlantans, the story of Mr. Patten has been reflected through the prism of personal ex-



PHIL SKINNER/ATLANTA JOURNAL-CONSTITUTION

Joe Patten has lived in Atlanta's Fox Theater since 1979, under a promise made by the board of directors. Now the board, worried that he is too old to live there alone, is urging him to leave.



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perience. "It reminds me of my grandmother," said Allison Browning, 38, a consultant who has followed the story on the local evening news. "She thought she could go, go, go when she was 92 years old. But at a certain point, the kindest thing is to help them realize they need our help."

Marcia Killingsworth, 55, a freelance writer who has organized support online for Mr. Patten, said she was motivated in part by a similar experience with her mother. "She had cancer, and it reached a point where she

couldn't stay at home," Ms. Killingsworth said. "But it's really a family decision. It would have been much more appropriate if the Fox had sat down and discussed it with Joe and his family and close friends and doctors."

Whether Mr. Patten is healthy enough to live in the 3,640-square-foot apartment is as touchy a subject as who should decide.

For his part, Mr. Patten could not be clearer in his wish to stay. "I know every light bulb in this building," he said. "I enjoy it here and always have. This is the last thing I thought would happen."

He cites the original lease, signed on Dec. 28, 1979, that grants him residency for life. But the Fox board points to a clause in the contract that allows the terms to be revised with a two-thirds vote of the board, which occurred last month.

Under an agreement proposed by the theater and rejected by Mr. Patten, he would be allowed to stay only as long as he is able to care for himself, and would be required to seek the board's approval for house guests.

Mr. Patten's lawyer, Emmet J.

Bondurant, called the proposal an insult. "No reasonable person would expect Mr. Patten to agree to those terms, and no person in Mr. Patten's position would find them acceptable," Mr. Bondurant said in a statement. Lawyers for both sides are working toward a compromise, and the Fox says Mr. Patten will not be evicted.

Critics have questioned whether the theater's motivation is financial, a charge that its officials deny. The apartment is a highly valuable space at the heart of Atlanta's downtown cultural and business district. In a letter to Mr. Patten on Aug. 11, the chairman of the theater's board wrote that the space was "sorely" needed for other purposes — a statement that Mr. Vella, the theater's general manager, now denies.

Robert L. Foreman Jr., a friend of Mr. Patten and a Fox board member who voted against the changed lease, said of the theater's action, "There may be some hidden agenda." He said the theater might be protecting itself against a lawsuit, should Mr. Patten be hurt or die on the property.

Mr. Patten was hospitalized recently after suffering a minor

stroke. Theater officials say it is dangerous for him to climb the 79 stairs that lead to his apartment. But friends say Mr. Patten is mentally and physically alert. He cooks for himself and still drives a 1937 Rolls-Royce Sedan de Ville and three other cars.

What will become of the apartment itself whenever Mr. Patten departs is the final question. He says he spent \$58,000 turning it from storage and office space into a cascading, three-story penthouse decorated with Persian rugs, player pianos and stuffed deer and antelope that he shot in Wyoming.

The theater says it does not intend to lease the apartment to anyone else. Besides, no one else would be appropriate, Mr. Cucich said.

"I've worked in theaters worldwide, including some of the most glamorous and celebrated houses known to man, and I don't know of any that have such a person in residence," he said. "If I went to central casting looking for a 'Phantom of the Fox,' I don't think they could find anyone more picturesque than Joe Patten."

Atlanta's 'Phantom of the Fox' does not want to move.

once worked as an electrician and technical director. Since 1979, Mr. Patten has lived in an opulent, rent-free caretaker's apartment on the property — a reward for helping to save the theater from a scheduled demolition in the 1970s.

But now, fearing that his health is deteriorating, the theater's board of directors has taken steps to encourage Mr. Patten, who has diabetes and spine problems, to move out eventually, possibly to a nursing home.

"Joe may die in the theater, yes, but it's not our desire for him to be here when he is no longer able to care for himself," said Allan C. Vella, the theater's general manager. "This is an issue that a lot of families have with elder rel-